

**United States District Court**  
**For The Western District of North Carolina**

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**  
(Petty/Misdemeanor Offenses)

V.

Case Number: DNCW309CR000118-001

Southeastern Plastic Surgery, P.C.

USM Number:  
Mark Calloway  
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1.  
☐ Pled nolo contendere to count(s) which was accepted by the court.  
☐ Was found guilty on count(s) after a plea of not guilty.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense(s):

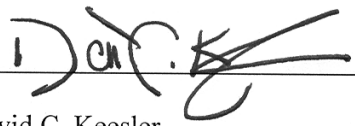
<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
21:331(k), 333 and 352(i)	Misbranding of Drugs	2004	1

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The defendant has been found not guilty on count(s) .  
☐ Count(s) (is)(are) dismissed on the motion of the United States.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 8/21/09

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge

Date: August 27, 2009

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$125.00	\$1,000.00	\$1,762.50

**FINE**

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- \_\_\_

The court has determined that the defendant does not have the ability to pay interest and it is ordered that:
- The interest requirement is waived.
- \_\_\_

The interest requirement is modified as follows:

**COURT APPOINTED COUNSEL FEES**

- \_\_\_

The defendant shall pay court appointed counsel fees.
- \_\_\_

The defendant shall pay \$ \_\_\_\_\_ Towards court appointed fees.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ Due immediately, balance due  
       ☐ Not later than \_\_\_\_\_, or  
       ☐ In accordance ☐ (C), ☐ (D) below; or
- B ☒ Payment to begin immediately (may be combined with ☐ (C), ☐ (D) below); or
- C ☐ Payment in equal \_\_\_\_\_ (E.g. weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ To commence \_\_\_\_\_  
       (E.g. 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (E.g. weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ To commence \_\_\_\_\_  
       (E.g. 30 or 60 days) after release from imprisonment to a term of supervision. In the event the entire amount  
       of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S.  
       Probation Officer shall pursue collection of the amount due, and may request the court to establish or modify a  
       payment schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ The defendant shall pay the cost of prosecution.  
☐ The defendant shall pay the following court costs:  
☒ The defendant shall forfeit the defendant's interest in the following property to the United States:  
       Pursuant to order of forfeiture filed 8/21/09.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 210, Charlotte, NC 28202, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

The Defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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**RESTITUTION PAYEES**

The defendant shall make restitution to the following payees in the amounts listed below:

<u>NAME OF PAYEE</u>	<u>AMOUNT OF RESTITUTION ORDERED</u>
See attached.	

☐ Joint and Several

- ☐ Defendant and Co-Defendant Names and Case Numbers *(including defendant number)* if appropriate:
- ☐ Court gives notice that this case may involve other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered here in and may order such payment in the future.
- ☐ The victims' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victim(s) receive full restitution.
- ☒ Any payment not in full shall be divided proportionately among victims.

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STATEMENT OF ACKNOWLEDGMENT

I understand that my term of supervision is for a period of \_\_\_\_\_ months, commencing on \_\_\_\_\_ .

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

I understand that revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm and/or ammunition, and/or refusal to comply with drug testing.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
U.S. Probation Office/Designated Witness